

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KEVEN LEE CARTER,

Plaintiff,

v.

**ILLINOIS DEPARTMENT OF
CORRECTIONS, et al.,**

Defendants.

Case No. 06-cv-450-DRH

ORDER

HERNDON, Chief Judge:

In an Order dated March 11, 2010 (Doc. 104), this Court denied without prejudice Plaintiff's Motion for Leave to Appeal In Forma Pauperis ("IFP") (Doc. 101). Finding that Plaintiff had failed to meet the statutory requirements to obtain IFP status of appeal under **28 U.S.C. § 1915**, the Court stated in its Order that Plaintiff could re-file his Motion, attaching his certified account statement.¹ To date, Plaintiff

¹ In particular, the Court stated:

Reviewing Plaintiff's affidavit submitted documents, it appears he has failed to substantially comply with **§ 1915** in that he did not provide, "in addition to filing the affidavit . . . a *certified* copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." **28 U.S.C. § 1915(a)(2)**. Although he has attached a statement showing his trust fund account activity for a period of up to six months prior to filing the instant IFP motion, it is not certified by the proper authority.

(Doc. 104, pp. 1-2.)

has not re-filed another motion requesting leave to proceed IFP on appeal. However, he currently has an appeal pending before the United States Court of Appeals for the Seventh Circuit which needs to move forward. Therefore, the Court *sua sponte* orders that its previous denial without prejudice of Plaintiff's Motion for Leave to Appeal IFP (Doc. 101) become a denial **WITH PREJUDICE**, effective as of the date of this Order.

Further, in accordance with **FEDERAL RULE OF APPELLATE PROCEDURE 24**, the Clerk of the Court is instructed to give notice of this order to the Parties and the Seventh Circuit. Also in accordance with **Rule 24**, Plaintiff may reapply for leave to appeal IFP with the United States Court of Appeals for the Seventh Circuit.

IT IS SO ORDERED.

Signed this 17th day of May, 2010.

/s/ David B. Herndon

**Chief Judge
United States District Court**